THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23578 of 2006

Dated:13.09.2007

Between
K.Saroja

..Petitioner

and

Tirumala Tirupathi Devasthanams
Rep., by its Executive Officer,
Tirupathi, Chittoor District.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23578 of 2006

ORDER:

This writ petition has been filed seeking a Mandamus (a) to declare the action of the respondent in not granting family pension and other benefits to which the petitioner is entitled, as arbitrary and illegal (b) to direct the respondent to settle all benefits including family pension and arrears of family pension that are due to the petitioner after the death of her husband late V.E.Purushotham, Assistant Executive Officer, Kalyanakatta, Tirumala.

It appears that the husband of the petitioner V.E.Purushotham took voluntary retirement from service on 11.6.1996 and died on 24.8.1996. Subsequently, the petitioner claimed retiral benefits accrued against her

husband late V.E.Purushotham. There was some dispute raised by some of the relatives of her late husband as to the status of the petitioner, therefore, she had filed a petition in OP No.663 of 1997 seeking a succession certificate, but the same was dismissed on 17.2.2000. Aggrieved by the same, the petitioner carried the matter in appeal being CMA No.978 of 2000 before this Court and the same was allowed holding that the petitioner is the wife of late V.E.Purushotham and she is entitled to receive the succession certificate. When the respondents refused to pay balance of terminal benefits to the petitioner on the ground that unless and until another succession certificate is produced, she is not entitled for the benefits, the present writ petition is filed.

According to the learned counsel for the petitioner, the finding in CMA No.978 of 2000 dated 4.7.2005 that the petitioner was the wife of late V.E.Purushotham attained finality.

Therefore, the petitioner is entitled to receive balance of amount even without producing another succession certificate, whereas learned counsel for the respondent strenuously contended that the succession certificate issued in OP No.663 of 1997 dated 17.2.2000 is limited only to a tune of Rs.1,00,000/- and the dispute between the parties was only limited to Rs.1,00,000/-. Therefore, unless and until another succession certificate is issued, the petitioner is not entitled to receive the balance of amount. Merely because some observations were made in the order passed by this Court in CMA No.978 of 2000 that itself would not confer any right on the petitioner to claim the balance of retiral benefits automatically.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the material made available on record.

The finding of this Court that the petitioner

is the wife of late V.E.Purushotham attained finality. May be the succession certificate issued under OP No.663 of 1997 dated 17.2.2000 is limited for one lakh only, but that does not mean that the finding recorded in CMA holding that the petitioner is the wife of late V.E.Purushotham is also limited to that case and she requires to be declared again as wife of late V.E.Purushotham. Once the petitioner is declared as wife of late V.E. Purushotham, she is entitled to claim all the retiral benefits from the respondent. There is no necessity of insisting upon further succession certificate for the balance of retiral benefits due to her.

Under those circumstances, the respondent is directed to release the balance of retiral benefits to the petitioner, if there are no other legal hurdles in its way and the respondent is at liberty to insist upon for an indemnity bond , if necessary for the balance amount.

Writ petition is accordingly disposed of. No costs.

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13-09-2007

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